

III. REMARKS

The Examiner is thanked for extending the courtesy of a telephone interview on July 7, 2003. No agreement was reached.

The present invention relates to method and apparatus for sending textual user messages to a primary mobile station which can receive both voice and text. Textual messages so addressed are sent to a secondary mobile station of a recipient regardless of whether the primary mobile station is in use and whether notification messages indicating the receipt of textual user messages are used.

The present invention has many advantages. The user need not carry with him his primary station but can carry only a smaller and lighter secondary station. If several secondary stations are in use, a text message can be directed to only one such station. Also the user can call the primary station of another user regardless of the message transfer function.

Aldermeshian impersonises the first phone at a short distance. The primary phone is dormant, i.e., in "sleeping" mode. Also in the system of Aldermeshian, the primary phone is set to sleeping mode (end of col. 1 to beginning of col. 2). Another phone takes the role of the primary phone (assumes control). The Network identification number (col. 1, line 55; fig. 4: 401 vs 118) is transferred from one phone to another phone. This means that the secondary phone is a copy of the primary phone wherein the primary phone is not in use, but the secondary phone can be used instead. This is the main difference between the present application and Aldermeshian. The teachings of Aldermeshian relate to how to make a copy of the primary phone.

Concerning the messaging service, the Examiner argues that col. 13, lines 7 to 49, of Aldermeshian discloses the messaging service. The Examiner also argues that in the system of Aldermeshian the phone can receive user messages. The Examiner is requested to point out where in the reference these features can be found. The terminal 600, 610, 620 of Aldermeshian can receive normal phone calls, but it is not disclosed that the terminal could also receive user messages. It is true that two-way communication is mentioned in Aldermeshian (to-and-from, col. 13, lines 10 to 16), but they are not user messages. The messages mentioned on col. 3, lines 1 to 6, are some kind of voice call messages, and they can be listened to by using the same way as the normal phone call. Therefore, there is only one, not two, communication channels, i.e. the speech channel.

In the present invention there is provided a system in which the primary terminal is a terminal having enhanced properties ("intelligent terminal") and the secondary terminal is an ordinary terminal with less properties than the primary one. In the system of Aldermeshian there are two ordinary terminals. The first terminal becomes passive (secondary) terminal when another terminal comes nearby and takes over the tasks of the first terminal and becomes the primary terminal. In other words, there is only one active terminal at a time.

One further point in the system of the present application is that in the claims there is "irrespective of whether the primary mobile station is in use". In the system of Aldermeshian it is required that the "primary" terminal is switched on. If it is not, the system does not work.

The independent claims recite "irrespective of whether the primary mobile station is in use" and have been amended to recite textual user messages. These features are totally missing from Aldermeshian. Thus the rejection of the claims 1, 6, 10 & 15 under 35 U.S.C. 102 on this reference should be withdrawn. Also, since there is not the slightest suggestion of these features in this reference, the claims are unobvious over it and define an invention with the above advantages.

Concerning Pepe, it is pointed out that the Examiner has not pointed out the portion of this reference which discloses the motivation to combine it with Aldermeshian, see Ex Parte Jones 62 USPQ 1206, 1208. Further, since Pepe also fails to disclose the above discussed features, combining it with Aldermeshian does not result in the present invention. Also, if the system of Pepe is combined with the system of Aldermeshian, a problem occurs: where to direct the messages if only one terminal is active? Thus the rejection of claims 5, 8, 13 & 17 under 35 U.S.C. 103 on this combination of references should be withdrawn.

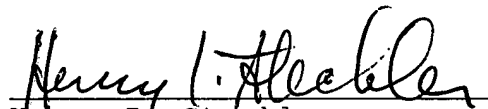
Similarly, the Examiner fails to point out in Pepper, where it provides the motivation to combine it with the two previous references. Further, since it fails to disclose the above discussed features, the result is not the present invention. Thus, the rejection of claims 3, 7, 14 and 16 under 35 U.S.C. 103 on this combination of references should be withdrawn.

A check in the amount of \$410.00 is enclosed for a one-month extension of time. For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly,

favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Henry I. Steckler
Reg. No. 24,139

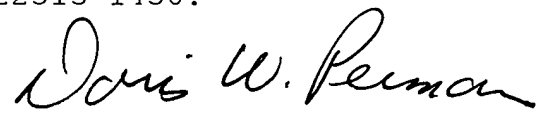
Aug 12, 2003
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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